U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2000-00770 PROJECT LOCATION INFORMATION: New York State: County: Suffolk Center coordinates of site (latitude/longitude): lat:40-55-59.9880 lon:72-34-15.9960 Approximate size of area (parcel) reviewed, including uplands: 8.75 acres. Name of nearest waterway: Great Peconie Bay Name of watershed: GREAT PECONIC BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X] Date: July 15, 2002 Site visit(s) []Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

[ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

# [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

Check all that apply:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Great Peconic Bay is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
	[ ] other:	[ ] onter.
	[ ] other.	
	[X] Mean High Water Mark indicated by:	
	[X] survey to available datum; [] physical marking	ngs; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		that the following waters present on the site are not Waters of
	the United States:	that the tollowing waters present on the site are not waters of
	[] Waste treatment systems, including treatment p	ands or laggoons, purguant to 33 CFP, part 328 3
	[ ] Artificially irrigated areas, which would revert	
	[ ] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	e amoult announced the dire of motor month
	[ ] Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for
		less and until the construction or excavation operation is
	328.3(a).	ts the definition of waters of the United States found at 33 CFR
	[ ] Isolated, intrastate wetland with no nexus to int	
	[] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:
	[ ] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINA	TION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on beha-	ılf of the applicant.
	[] Data sheets prepared/submitted by or on behalf of	the applicant.
	[] This office concurs with the delineation report,	
	[ ] This office does not coneur with the delineation	report, dated , prepared by (company):
	[ ] Data sheets prepared by the Corps.	
	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic re	naps:
	[] U.S. Geological Survey 7.5 Minute Historic quadra	ngles:
	[ ] U.S. Geologieal Survey 15 Minute Historic quadrat	
	[ ] USDA Natural Resources Conservation Service Soi	
	[] National wetlands inventory maps:	•
	[] State/Local wetland inventory maps:	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[X] Other photographs (Date):	
	[A] Other photographs (Date).  [ ] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delincated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.c., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)

**FILE NUMBER:** 2003-00501

#### PROJECT LOCATION INFORMATION:

State: New York County: Saratoga

Center coordinates of site (latitude/longitude): lat:43-3-52.8120 lon:73-43-20.5320 Approximate size of area (parcel) reviewed, including uplands: 80.025 acres.

Name of nearest waterway: Bog Meadow Brook

Name of watershed: HUDSON RIVER - NORTH OF TROY

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination [ ] Date:

Site visit(s) [X] Date(s): September 17, 2003

#### Jurisdictional Determination (JD):

United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealab (Reference 33 CFR part 331).	IJ	Preliminary ID - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the
(Reference 33 CFR part 331).		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 34.0 acres
  - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are eurrently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the site are contiguous with, and adjacent to Bog Meadow Brook, which is a tributary to Lake Lonely. Lake Lonely outlets to Saratoga Lake, which is a navigable waterway.

[X] Ordinary High Water Mark indicated by:   X  clear, natural line impressed on the bank   1 just or seem line along shore objects   2 just or seem line along shore objects   2 just or seem line along shore objects   2 just or seem line along shore objects   3 just or seem line al		Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[ ] the presence of litter and debris		[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[] changes in the character of soil		[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[ ] changes in the character of soil		[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
Near High Water Mark indicated by:   Survey to available datum;   Survey		changes in the character of soil	[ ] physical markings/characteristics
[] shelving [X] other: a defined bed and banks [] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.  [X] Welland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared David F. Barrass, L.S.    Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands. [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). [X] The Corps has made a case-specific determination that the following waters present on the site are not Waters the United States: [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. [] Artificially irrigated areas, which would revert to upland if the irrigation ceased. [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction of excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 C 328.3(a).  [X] Isolated, intrastate wetland with no nexus to interstate commerce. [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: [] Other (explain):  [] This office concurs with the delineation report, datedprepared by (company): [] This office one not concur with the delineation report, datedprepared by (company): [] Las decological Survey 17.5			
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[ ] Corps' navigable waters' studies: [ ] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Quaker Springs, NY [ ] U.S. Geological Survey 7.5 Minute Historic quadrangles: [ ] U.S. Geological Survey 15 Minute Historic quadrangles: [ ] USDA Natural Resources Conservation Service Soil Survey: [ X] National wetlands inventory maps: Quaker Springs, NY [ ] State/Local wetland inventory maps: [ ] FEMA/FIRM maps (Map Name & Date):			report, dated , propared by (company).
[ ] U.S. Geological Survey Hydrologic Atlas: [X] U.S. Geological Survey 7.5 Minute Topographic maps: Quaker Springs, NY [ ] U.S. Geological Survey 7.5 Minute Historic quadrangles: [ ] U.S. Geological Survey 15 Minute Historic quadrangles: [ ] USDA Natural Resources Conservation Service Soil Survey: [X] National wetlands inventory maps: Quaker Springs, NY [ ] State/Local wetland inventory maps: [ ] FEMA/FIRM maps (Map Name & Date):			
<ul> <li>[X] U.S. Geological Survey 7.5 Minute Topographic maps: Quaker Springs, NY</li> <li>[] U.S. Geological Survey 7.5 Minute Historic quadrangles:</li> <li>[] U.S. Geological Survey 15 Minute Historic quadrangles:</li> <li>[] USDA Natural Resources Conservation Service Soil Survey:</li> <li>[X] National wetlands inventory maps: Quaker Springs, NY</li> <li>[] State/Local wetland inventory maps:</li> <li>[] FEMA/FIRM maps (Map Name &amp; Date):</li> </ul>			
[ ] U.S. Geological Survey 7.5 Minute Historic quadrangles: [ ] U.S. Geological Survey 15 Minute Historic quadrangles: [ ] USDA Natural Resources Conservation Service Soil Survey: [X] National wetlands inventory maps: Quaker Springs, NY [ ] State/Local wetland inventory maps: [ ] FEMA/FIRM maps (Map Name & Date):			naps: Ouaker Springs, NY
[ ] U.S. Geological Survey 15 Minute Historic quadrangles: [ ] USDA Natural Resources Conservation Service Soil Survey: [X] National wetlands inventory maps: Quaker Springs, NY [ ] State/Local wetland inventory maps: [ ] FEMA/FIRM maps (Map Name & Date):			
<ul> <li>[ ] USDA Natural Resources Conservation Service Soil Survey:</li> <li>[X] National wetlands inventory maps: Quaker Springs, NY</li> <li>[ ] State/Local wetland inventory maps:</li> <li>[ ] FEMA/FIRM maps (Map Name &amp; Date):</li> </ul>			
[X] National wetlands inventory maps: Quaker Springs, NY [ ] State/Local wetland inventory maps: [ ] FEMA/FIRM maps (Map Name & Date):			
[] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date):			
[] FEMA/FIRM maps (Map Name & Date):			, 
[ ] Aerial Photographs (Name & Date):			
[] Other photographs (Date): 17 Sept 03			
[ ] Advanced Identification Wetland maps:			
[X] Site visit/determination conducted on: 17 Sept 03		F 3	
[] Applicable/supporting case law:		[X] Site visit/determination conducted on: 17 Sept 03	
[ ] Other information (please specify):		[X] Site visit/determination conducted on: 17 Sept 03  [] Applicable/supporting case law:	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach duncs, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-00801 PROJECT LOCATION INFORMATION: State: New York County: Albany Center coordinates of site (latitude/longitude): lat:42-43-41.3760 lon:73-49-9.4800 Approximate size of area (parcel) reviewed, including uplands: 9.85 aeres. Name of nearest waterway: Unnamed Tributary to Shakers Creek Name of watershed: MOHAWK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X]Date(s): October 24, 2003 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.44 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or

[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent to unnamed tributaries to Shakers Creek. Shakers Creek discharges into the Mohawk River, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR   [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other:	parts 328 and 329) [] High Tide Linc indicated by:
[ ] Mean High Water Mark indicated by: [ ] survey to available datum; [ ] physical marking.	s; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetl	and delineation map prepared by: Ingalls and Associates, LLP
Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR  [] Headquarters declined to approve jurisdiction on the  [X] The Corps has made a case-specific determination the United States:  [] Waste treatment systems, including treatment por  [] Artificially irrigated areas, which would revert to	basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of ands or lagoons, pursuant to 33 CFR part 328.3.
[ ] Artificial lakes and ponds created by excavating	1
[] Artificial reflecting or swimming pools or other solve by excavating and/or diking dry land to retain was [] Water-filled depressions created in dry land incide the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a).	ater for primarily aesthetic reasons.  Idental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
[X] Isolated, intrastate wetland with no nexus to into [ ] Prior converted cropland, as determined by the N	erstate commerce.  Intural Resources Conscrivation Service. Explain rationale:
[ ] Non-tidal drainage or irrigation ditches excavated [ ] Other (explain):	l on dry land. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERM [X] Maps, plans, plots or plat submitted by or on behalf [X] Data sheets prepared/submitted by or on behalf of t	f of the applicant.
[] This office concurs with the delineation report, d [] This office does not concur with the delineation [] Data sheets prepared by the Corps.	report, dated , prepared by (company):
<ul> <li>[X] Corps' navigable waters' studies: listing for Mohaw</li> <li>[] U.S. Geological Survey Hydrologic Atlas:</li> <li>[X] U.S. Geological Survey 7.5 Minute Topographie ma</li> <li>[] U.S. Geological Survey 7.5 Minute Historic quadran</li> <li>[] U.S. Geological Survey 15 Minute Historic quadrans</li> </ul>	aps: Albany Quad. gles:
<ul> <li>[X] USDA Natural Resources Conservation Service Soil</li> <li>[] National wetlands inventory maps:</li> <li>[X] State/Local wetland inventory maps: Albany Quad.</li> <li>[] FEMA/FIRM maps (Map Name &amp; Date):</li> </ul>	
[] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): taken by consultant in 20 [] Advanced Identification Wetland maps:	003
<ul> <li>[X] Site visit/determination conducted on: October 24, 2</li> <li>[] Applicable/supporting case law:</li> <li>[] Other information (please specify):</li> </ul>	2003

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01290 PROJECT LOCATION INFORMATION: New York State: County: Clinton Center coordinates of site (latitude/longitude): lat:44-39-6.9840 lon:73-29-35.9880 Approximate size of area (parcel) reviewed, including uplands: 45.15 acres. Name of nearest waterway: Unnamed Tributary to Salmon River Name of watershed: LAKE CHAMPLAIN JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X] Date(s): November 5, 2003/November 24, 2004 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 12.06 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply); [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [ ] (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on site are adjacent to an unnamed tributary to the Salmon River, which is located just outside of the project areas. The Salmon River is located approximately 0.5 mile to the south of the project site. The Salmon River discharges into Lake Champlain, a navigable waterway.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (5) The presence of a tributary to a water identified in (1) - (4) above.

[ ] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329	9)
[ ] Ordinary High Water Mark indicated by: [ ] High Tide L	ine indicated by:
	ine along shore objects
[] the presence of litter and debris [] fine shell or	debris deposits (foreshore)
	kings/characteristics
[] destruction of terrestrial vegetation [] tidal gages	
[] shelving [] other:	
[] other:	
[] Mean High Water Mark indicated by:	,
[] survey to available datum; [] physical markings; [] vegetation l	ines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetland delineation m	ap and/or in a delineation report prepared by: Natural Resource Consulting Services
Basis For Not Asserting Jurisdiction:	
[] The reviewed area consists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2,	
[] Headquarters declined to approve jurisdiction on the basis of 33 CFR	
[X] The Corps has made a case-specific determination that the following the United States:	waters present on the site are not Waters of
[ ] Waste treatment systems, including treatment ponds or lagoons, pu	rsuant to 33 CFP part 328 3
[ ] Artificially irrigated areas, which would revert to upland if the irri	
[] Artificial lakes and ponds created by excavating and/or diking dry	
retain water and which are used exclusively for such purposes as si	
rice growing.	socia watering, irrigation, setting basins, or
[] Artificial reflecting or swimming pools or other small ornamental	hodies of water created
by excavating and/or diking dry land to retain water for primarily	
[] Water-filled depressions created in dry land incidental to construct	
the purpose of obtaining fill, sand, or gravel unless and until the co	
abandoned and the resulting body of water meets the definition of	
328.3(a).	Autoria de tito de
[X] Isolated, intrastate wetland with no nexus to interstate commerce.	
[] Prior converted cropland, as determined by the Natural Resources	Conservation Service, Explain rationale:
[]	
[] Non-tidal drainage or irrigation ditches excavated on dry land. Ex	plain rationale:
[ ] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark	call that apply):
[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.	
[X] Data sheets prepared/suhmitted by or on behalf of the applicant.	
[ ] This office concurs with the delineation report, dated , prepare	d by (company):
	, prepared by (company):
[ ] Data sheets prepared by the Corps.	
[X] Corps' navigable waters' studies: listing for Lake Champlain	
[ ] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic maps: Plattsburgh Q	uad.
[X] U.S. Geological Survey 7.5 Minute Historic quadrangles: Plattsburgh	1956
[ ] U.S. Geological Survey 15 Minute Historic quadrangles:	
[X] USDA Natural Resources Conservation Service Soil Survey: survey d	ata for Clinton County
[X] National wetlands inventory maps: Plattsburgh Quad.	
[ ] State/Local wetland inventory maps:	
[ ] FEMA/FIRM maps (Map Name & Date):	
[ ] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[X] Other photographs (Date): taken during inspection on 11/5/03	
[ ] Advanced Identification Wetland maps:	
[ ] Site visit/determination conducted on: 11/5/03 and 11/24/04	
[ ] Applicable/supporting case law:	
[ ] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river borms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01418 PROJECT LOCATION INFORMATION: New York State: County: Nassau Center coordinates of site (latitude/longitude): lat:40-38-44.8800 lon:73-32-27.9600 Approximate size of area (pareel) reviewed, including uplands: 1 acres. Name of nearest waterway: East Bay Name of watershed: HEMPSTEAD BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination X Date: December 26, 2003 Site visit(s) Date(s): ſΊ Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.	
[] (2) The presence of interstate waters including interstate wetlands <sup>t</sup> .	
[] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud-	flats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degrada	tion or
destruction of which could affect interstate commerce including any such waters (check all that apply):	
[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.	
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.	

- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [ ] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

East Bay is subject to the ebb and flow of the tide and is therefore a navigable water of the US.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[X] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	= = =	[] other:
	[] shelving	[ ] other.
	[ ] other:	
	[ ] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
	, , , , , , , , , , , , , , , , , , , ,	
	[] Wetland boundaries, as shown on the attached wetla	nd delincation map and/or in a delincation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFR	part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		nat the following waters present on the site are not Waters of
	the United States:	and the following waters probein on the bits are not waters of
	[] Waste treatment systems, including treatment por	ods or lagoons, nursuant to 33 CFR part 328 3
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
		uch purposes as stock watering, irrigation, settling basins, or
	rice growing.	deli purposes as stock watering, irrigation, setting basins, or
	[] Artificial reflecting or swimming pools or other s	small armamental hadias of water arouted
	by excavating and/or diking dry land to retain wa	
		contal to construction activity and pits excavated in dry land for
		ss and until the construction or excavation operation is
		the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[ ] Isolated, intrastate wetland with no nexus to inter	
		atural Resources Conservation Service. Explain rationale:
	[ ] Non-tidal drainage or irrigation ditches excavated	i on dry land. Explain rationale:
	[ ] Other (explain):	
DATA I	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf	
	Data sheets prepared/submitted by or on behalf of th	
	[] This office concurs with the delineation report, d	
	[] This office does not concur with the delineation	
	Data shects prepared by the Corps.	tport, dated , prepared by (company).
	[] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic ma	
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadrang	
	[ ] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	
	[ ] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[ ] Aerial Photographs (Name & Date):	
	Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydrie soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00011 PROJECT LOCATION INFORMATION: State: New Jersey County: Monmouth Center coordinates of site (latitude/longitude): lat:40-8-20.6520 lon:74-1-58.2960 Approximate size of area (parcel) reviewed, including uplands: 2 acres. Name of nearest waterway: Wreck Pond Name of watershed: ATLANTIC OCEAN JURISDICTIONAL DETERMINATION Date: 23 Mar 2005 Completed: Desktop determination [x] Site visit(s) []Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or forcign commerce.

[] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

[ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
   [] (2) The presence of interstate waters including interstate wetlands¹.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate eommerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or forcign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.

reviewed area. Approximate size of jurisdictional area:

- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [ ] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes cheeked above). If the jurisdictional water or werland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Wreck Pond is subject to the ebb and flow of the tide and is therefore a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR)  [] Ordinary High Water Mark indicated by:  [] clear, natural line impressed on the bank  [] the presence of litter and debris  [] ehanges in the character of soil  [] destruction of terrestrial vegetation  [] shelving  [] other:	parts 328 and 329)  [X] High Tide Line indicated by:  [] oil or scum line along shore objects  [] finc shell or debris deposits (foreshore)  [] physical markings/characteristics  [] tidal gages  [X] other: Plans provided by applicant dated 11 April 2005
	[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markin	gs; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	the United States:  [] Waste treatment systems, including treatment pol [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water and depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a).  [] Isolated, intrastate wetland with no nexus to interpret to the purpose of obtaining the same polytomer.	e basis of 33 CFR part 328.3(a)(3). That the following waters present on the site are not Waters of ands or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased, and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created after for primarily aesthetic reasons. Idental to construction activity and pits excavated in dry land for east and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR extrate commerce.
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT  [X] Maps, plans, plots or plat submitted by or on behalf of th  [] Data sheets prepared/submitted by or on behalf of th  [] This office concurs with the delineation report, d  [] This office does not concur with the delineation if  [] Data sheets prepared by the Corps.  [] Corps' navigable waters' studies:  [] U.S. Geological Survey Hydrologie Atlas:  [] U.S. Geological Survey 7.5 Minute Topographic ma  [] U.S. Geological Survey 15 Minute Historic quadrant  [] U.S. Geological Survey 15 Minute Historic quadrant  [] U.S. Geological Survey 15 Minute Historic quadrant  [] USDA Natural Resources Conservation Service Soil  [] National wetlands inventory maps:  [] State/Local wetland inventory maps:  [] State/Local wetland inventory maps:  [] TEMA/FIRM maps (Map Name & Date):  [] 100-year Floodplain Elevation is: (NGVD)  [] Acrial Photographs (Name & Date):  [] Other photographs (Date):  [] Advanced Identification Wetland maps:  [] Site visit/determination conducted on:  [] Applicable/supporting case law:  [] Other information (please specify):	If of the applicant.  the applicant.  ated , prepared by (company);  report, dated , prepared by (company);  ps:  gles: gles:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00830 PROJECT LOCATION INFORMATION: State: New York County: Rensselaer Center eoordinates of site (latitude/longitude): lat:42-44-0.9960 lon:73-25-19.9920 Approximate size of area (pareel) reviewed, including uplands: 50.35 aeres. Name of nearest waterway: Dyken Pond HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X] Date(s): September 13 and October 13, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.68 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions,

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are either directly adjacent and contiguous to Dyken Pond or unnamed tributaries to Dyken Pond. The outlet channel of Dyken Pond discharges into the Poesten

Kill, which is federally navigable further downstream in the City of Troy.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[ ] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR page 12)  [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank  [] the presence of litter and dehris  [X] changes in the character of soil  [X] destruction of terrestrial vegetation  [] shelving  [] other:	[] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetla	and delineation map prepared by: Brian R. Holbritter, P.L.S.
Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR  [] Headquarters declined to approve jurisdiction on the  [X] The Corps has made a case-specific determination t the United States:  [] Waste treatment systems, including treatment por  [] Artificially irrigated areas, which would revert to	hasis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of odds or lagoons, pursuant to 33 CFR part 328.3.
[] Artificial lakes and ponds created by excavating	
<ul> <li>[] Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa</li> <li>[] Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unle</li> </ul>	ter for primarily aesthetic reasons.  ental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR
[] Prior converted cropland, as determined by the N	atural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavated [] Other (explain):	on dry land. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERM  [X] Maps, plans, plots or plat submitted by or on behalf  [X] Data sheets prepared/submitted by or on behalf of the concurs with the delincation report, date concurs with the delineation of the concurs with the delineation of concurs of concurs of concurs with the delineation of concurs of con	Tof the applicant. The applicant app
<ul> <li>[X] State/Local wetland inventory maps: Rensselacr Co.</li> <li>[X] FEMA/FIRM maps (Map Name &amp; Date): 1978, Zon</li> <li>[] 100-year Floodplain Elevation is: (NGVD)</li> <li>[X] Aerial Photographs (Name &amp; Date):</li> <li>[X] Other photographs (Date): submitted on 8 Aug 05</li> <li>[] Advanced Identification Wetland maps:</li> <li>[] Site visit/determination conducted on: 9/13/05 and 10</li> <li>[] Applicable/supporting case law:</li> <li>[] Other information (please specify):</li> </ul>	c C

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00885 PROJECT LOCATION INFORMATION: State: New York County: Rensselaer Center coordinates of site (latitude/longitude): lat:42-40-40.0440 lon:73-41-18.7080 Approximate size of area (parcel) reviewed, including uplands: 9.84 acres. Name of nearest waterway: Unnamed Tributary HUDSON RIVER - POUGHKEEPSIE TO TROY Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X]Date(s): October 18, 2005 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.50 aeres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the site are adjacent to the twelve intermittent streams and one perennial stream within the property boundary. All of the intermittent streams discharge into the perennial stream on the site. The perennial stream is a direct tributary to the Hudson River, which is a navigable waterway,

and is located approximately 1.5 miles to the west of the site.

[] (6) The presence of territorial seas.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

Lateral Extent of Jurisdiction: (Reference: 33 CF [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris [X] changes in the character of soil [X] destruction of terrestrial vegetation [] shelving [] other:	[ ] High Tide Line indicated by: [ ] oil or scum line along shore objects [ ] fine shell or debris deposits (foreshore) [ ] physical markings/characteristics [ ] tidal gages [ ] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marki	ngs; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached w	retland delineation map prepared by: Hershberg & Hershberg Consulting Engineers and Land Surveyors
the United States:  [] Waste treatment systems, including treatment [] Artificially irrigated areas, which would revert [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain [] Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel unabandoned and the resulting body of water me 328.3(a).  [] Isolated, intrastate wetland with no nexus to interpretations.	the basis of 33 CFR part 328.3(a)(3). In that the following waters present on the site are not Waters of ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for incless and until the construction or exeavation operation is sets the definition of waters of the United States found at 33 CFR interstate commerce.  The Natural Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETER  [X] Maps, plans, plots or plat submitted by or on behalf of [X] Data sheets prepared/submitted by or on behalf of [X] This office concurs with the delineation report [X] This office does not concur with the delineation [X] Data sheets prepared by the Corps.  [X] Corps' navigable waters' studies: Listing for Hudel [X] U.S. Geological Survey Hydrological Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic [X] U.S. Geological Survey 7.5 Minute Historic quadrated [X] U.S. Geological Survey 15 Minute Historic quadrated [X] U.S. All Matural Resources Conservation Service Sample [X] State/Local wetland inventory maps:  [X] State/Local wetland inventory maps: Troy South [X] State/Local wetland inventory maps: [X] State/Local Mapped [X] Name & Date):  [X] Other photographs (Name & Date):  [X] Other photographs (Date): in report dated August [X] Advanced Identification Wetland maps:  [X] Site visit/determination conducted on: October 18 [X] Applicable/supporting case law:  [X] Other information (please specify):	nalf of the applicant.  of the applicant.  c, dated , prepared by (company):  on report, dated , prepared by (company):  dson River  maps: Troy South Quad.  rangles: angles: Soil Survey: Rensselaer Co. Sheet 17  Quad.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01078 PROJECT LOCATION INFORMATION: State: New York County: Saratoga Center coordinates of site (latitude/longitude): lat:42-57-48.9960 lon:73-49-40.0080 Approximate size of area (parcel) reviewed, including uplands: 9.7 acres. Name of nearest waterway: Wetlands Name of watershed: HUDSON RIVER - NORTH OF TROY JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visit [X]Date: November 15, 2005 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.25 acres of waters of the United States, including wetlands. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rulc Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or eould be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [ ] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes ehecked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The waters within the wetlands on the project site flow into an unnamed tributary, then into Ballston Creek, then into Round Lake, then the Anthony Kill, before discharging into the Hudson River, a navigable water of the United States.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

I	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	
[	[ ] Ordinary High Water Mark indicated by: [ ] High Tide Line indicated by:	
	[] clear, natural line impressed on the bank [] oil or scum line along shore obje	cts
	[] the presence of litter and debris [] fine shell or debris deposits (fore	shore)
	[] changes in the character of soil [] physical markings/characteristics	
	[] destruction of terrestrial vegetation [] tidal gages	
	[] shelving [] other:	
	[] other:	
	Character West West and in Board hou	
I	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/ehanges in vege	tation types.
_	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a deline Chazen Companies	eation report prepared by: The
E	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[ ] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	[ ] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
Ĩ	[] The Corps has made a case-specifie determination that the following waters present on the	site are not Waters of
_	the United States:	
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR pa	rt 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	[] Artificial lakes and ponds created by exeavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigative growing.	tion, settling basins, or
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water creat	red
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.	
	[] Water-filled depressions created in dry land ineidental to construction activity and pits	excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excava-	
	abandoned and the resulting body of water meets the definition of waters of the United	States found at 33 CFR
	328.3(a).	
	[ ] Isolated, intrastate wetland with no nexus to interstate commerce.	
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service	. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	[] Other (explain):	
DA	DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):	
[	[] Maps, plans, plots or plat submitted by or on behalf of the applicant.	
[]	[X] Data sheets prepared/submitted by or on behalf of the applicant.	
	[X] This office concurs with the delineation report, dated October 17, 2005, prepared by:	The Chazen Companics
	[] This office does not concur with the delineation report, dated , prepared by (comp	any):
	[] Data sheets prepared by the Corps.	
•	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologie Atlas:	
	[X] U.S. Geologieal Survey 7.5 Minute Topographic maps: Malta Quad	
	[ ] U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	[] U.S. Geological Survey 15 Minute Historic quadrangles:	
	[X] USDA Natural Resources Conservation Service Soil Survey: Saratoga County Soil Survey	
	[X] National wetlands inventory maps: Malta Quad	
	[X] State/Local wetland inventory maps: Malta Quad	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[ ] Acrial Phorographs (Name & Date):	
	[] Other photographs (Date):	
	[ ] Advanced Identification Wetland maps: [X] Site visit conducted on: November 15, 2005	
	[ ] Applieable/supporting case law:	
l, r	[ ] Other information (please specify):	
l	[ ] Other information (please specify).	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01084 PROJECT LOCATION INFORMATION: New York State: County: Saratoga Center coordinates of site (latitude/longitude): lat:42-57-2.9880 lon:73-49-59.9880 Approximate size of area (parcel) reviewed, including uplands: 125.40 acres. Name of nearest waterway: Wetlands and Unnamed Tributary Name of watershed: HUDSON RIVER - NORTH OF TROY JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit [X]Date: November 15, 2005 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: 23.70 acres of waters of the United States, including wetlands and 2,092 linear feet of intermittent stream channel. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommeree. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudtlats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: All waters within the wetlands and unnamed tributaries on the project site drain into unnamed tributaries to Ballston Creek, which flows into Round Lake, then into the Anthony Kill, which drains into the Hudson River, a navigable water of the United States.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by: [ ] High Tide Line indicated by:
	[X] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[ ] destruction of terrestrial vegetation [ ] tidal gages
	[] shelving [] other:
	[ ] other:
	] Mean High Water Mark indicated by:
l	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The Chazen Companies
J	Basis For Not Asserting Jurisdiction:
(	] The reviewed area consists entirely of uplands.
[	] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
[	] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
[	X] The Corps has made a case-specific determination that the following waters present on the site arc not Waters of
	the United States:
	[ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
	[ ] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavaling and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	[X] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches exeavated on dry land. Explain rationale:
	[ ] Other (explain):
DA	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
[	X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
[	X] Data sheets prepared/submitted by or on behalf of the applicant.
	[X] This office eoncurs with the delineation report, dated October 5, 2005, prepared by: The Chazen Companies
	[] This office does not concur with the delineation report, dated , prepared by (eompany):
	Data sheets prepared by the Corps.
•	] Corps' navigable waters' studies:
	U.S. Geological Survey Hydrologic Atlas:
	X] U.S. Geological Survey 7.5 Minute Topographic maps: Round Lake Quad
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	] U.S. Geological Survey 15 Minute Historie quadrangles:
	X] USDA Natural Resources Conscrvation Service Soil Survey: Saratoga County Soil Survey X] National wetlands inventory maps: Round Lake Quad
-	
	X] State/Loeal wetland inventory maps: Round Lake Quad ] FEMA/FIRM maps (Map Name & Date):
	1 100-year Floodplain Elevation is: (NGVD)
-	Aerial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	X] Site visit conducted on: November 15, 2005
	A Applicable/supporting case law:
	Other information (please specify):
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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2005-01156 PROJECT LOCATION INFORMATION: State: New York County: Saratoga Center coordinates of site (latitude/longitude): lat:42-57-2.9880 lon:73-49-59.9880 Approximate size of area (parcel) reviewed, including uplands: 4.03 acres. Name of nearest waterway: Ballston Crcek Name of watershed: **HUDSON RIVER - NORTH OF TROY** JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date: Site visit [X]Date: November 15, 2005 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.00 acres of waters of the United States, including wetlands, 17 linear feet of perennial stream channel, and 7 linear feet of intermittent stream channel. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 1 Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions,

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[ ] (4) Impoundments of waters otherwise defined as waters of the  $\dot{U}S$ . [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: All waters within the wetlands and intermittent steam channel on the project site flow into Ballston Creek and unnamed tributaries to Ballston Creek, then into Round Lake, which flows into the Anthony Kill, then into the Hudson River, which is a navigable water of the United States.

,	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)			
	[X] Ordinary High Water Mark indicated by: [ ] High Tide Line indicated by:			
	[X] clear, natural line impressed on the bank [] oil or scum line along	shore objects		
	[] the presence of litter and debris [] fine shell or debris deposits (for			
	[] changes in the character of soil [] physical markings/characteristic			
	[] destruction of terrestrial vegetation [] tidal gages	3		
	• • • • • • • • • • • • • • • • • • • •			
	[] other:			
ı	[] Mean High Water Mark indicated by:			
ı	[] survey to available datum; [] physical markings; [] vegetation lines/changes in veg	retation types		
	[] survey to available datum, [] physical markings, [] vegetation messenanges in vegetation types.			
	[X] Wetland boundaries, as shown on the attached wetland delineation map and/or in a deli-	neation report prepared by: The		
•	Chazen Companies			
ı	Basis For Not Asserting Jurisdiction:			
	[] The reviewed area consists entirely of uplands.			
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).			
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).			
	[] The Corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made a case-specific determination that the following waters present on the corps has made as the corps has mad	no cita are not Waters of		
Į	the United States:	ic site are not waters of		
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	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR p	iart 328.3.		
	[ ] Artificially irrigated areas, which would revert to upland if the irrigation ceased.			
		[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and		
	retain water and which are used exclusively for such purposes as stock watering, irrig	ation, settling basins, or		
	rice growing.			
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water cre	ated		
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.			
	[] Water-filled depressions ereated in dry land incidental to construction activity and pit			
	the purpose of obtaining fill, sand, or gravel unless and until the construction or exca			
	abandoned and the resulting body of water meets the definition of waters of the Unite	d States found at 33 CFR		
	328.3(a).			
	[] Isolated, intrastate wetland with no nexus to interstate eommerce.			
	[ ] Prior converted cropland, as determined by the Natural Resources Conservation Servi	ce. Explain rationale:		
	[ ] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	•		
	[] Other (explain):			
	DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):			
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.			
[	[X] Data sheets prepared/submitted by or on behalf of the applicant.			
	[X] This office concurs with the delineation report, dated October 25, 2005, prepared by	The Chazen Companies		
	[ ] This office does not concur with the delineation report, dated , prepared by (com	ipany):		
Γ	Data sheets prepared by the Corps.			
	[ ] Corps' navigable waters' studies:			
	[ ] U.S. Geological Survey Hydrologic Atlas:			
	[X] U.S. Geological Survey 7.5 Minute Topographic maps: Round Lake Quad			
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:			
	[ ] U.S. Geological Survey 15 Minute Historic quadrangles:			
	[X] USDA Natural Resources Conservation Service Soil Survey: Saratoga County Soil Survey	21/		
		· <b>y</b>		
	[X] National wetlands inventory maps: Round Lake Quad			
	[X] State/Local wetland inventory maps: Round Lake Quad			
	[] FEMA/FIRM maps (Map Name & Datc):			
_	[] 100-year Floodplain Elevation is: (NGVD)			
	[] Aerial Photographs (Name & Date):			
	[ ] Other photographs (Date):			
	[] Advanced Identification Wetland maps:			
	[X] Site visit conducted on: November 15, 2005			
	[ ] Applicable/supporting case law:			
[	[ ] Other information (please specify):			

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2006-00146 PROJECT LOCATION INFORMATION: State: New Jersey County: Bergen Center coordinates of site (latitude/longitude): lat:40-52-14.9880 lon:74-2-11.0040 Approximate size of area (parcel) reviewed, including uplands: 0.02 acres. Name of nearest waterway: Hackensack River Name of watershed: HACKENSACK RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: February 14, 2006 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The site includes approximately 0.02 acres of the Haekensack River shoreline below the Spring High Water elevation (3.09 feet, NAVD).

[] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (6) The presence of territorial seas.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)	
	[ ] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:	
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects	
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)	
	[] changes in the character of soil	[] physical markings/characteristics	
	[] destruction of terrestrial vegetation	[] tidal gages	
	[] shelving	[ ] other:	
	[ ] other:		
	[X] Mean High Water Mark indicated by:		
	[X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.		
		5, 11 5 5 5 5 7	
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:	
	Basis For Not Asserting Jurisdiction:		
	[ ] The reviewed area consists entirely of uplands.		
	[ ] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).	
	[] Headquarters declined to approve jurisdiction on the	basis of 33 CFR part 328.3(a)(3).	
	[] The Corps has made a case-specific determination that the following waters present on the site are not Waters of		
	the United States:		
	[ ] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328 3	
	[] Artificially irrigated areas, which would revert to		
	[] Artificial lakes and ponds created by excavating	_ •	
		such purposes as stock watering, irrigation, settling basins, or	
	rice growing.		
	[] Artificial reflecting or swimming pools or other		
	by excavating and/or diking dry land to retain w		
		dental to construction activity and pits exeavated in dry land for	
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is		
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR		
	328.3(a).		
	[ ] Isolated, intrastate wetland with no nexus to inte	rstate commerce.	
		Natural Resources Conscruation Service. Explain rationalc:	
	[] Non-tidal drainage or irrigation ditches excavated		
	[ ] Other (explain):		
	(1)		
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT		
	[X] Maps, plans, plots or plat submitted by or on behal	• •	
	[ ] Data sheets prepared/submitted by or on behalf of the		
	[] This office concurs with the delineation report, d	atcd , prepared by (company):	
	[] This office does not concur with the delineation	report, dated , prepared by (company):	
	[] Data sheets prepared by the Corps.		
	[ ] Corps' navigable waters' studies:		
	[ ] U.S. Geological Survey Hydrologie Atlas:		
	[X] U.S. Geologieal Survey 7.5 Minute Topographic m.	aps: Hackensack	
	[] U.S. Geological Survey 7.5 Minute Historic quadran		
	[] U.S. Geological Survey 15 Minute Historic quadrang		
	[] USDA Natural Resources Conservation Service Soil		
	[] National wetlands inventory maps:	Survey.	
	[] State/Local wetland inventory maps:		
	[] FEMA/FIRM maps (Map Name & Date):		
	[] 100-year Floodplain Elevation is: (NGVD)		
	[ ] Aerial Photographs (Name & Date):		
	[X] Other photographs (Date):		
	[ ] Advanced Identification Wetland maps:		
	Site visit/determination conducted on:		
	[] Applicable/supporting case law:		
	[] Other information (please specify):		
	[ ] Carot information (picture apecity).		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means hordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river borms, beach duncs, and the like are also adjacent.